

Release  
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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JULY 27, 1998**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#98-95 Bonds v. Roy, S070590. (G016807; 63 Cal.App.4th 592.) Petition for review after the Court of Appeal affirmed a judgment in a civil case and reversed a related order. The primary issue concerns whether the court may prevent a disclosed expert witness from testifying on a subject not described in the witness disclosure list.

#98-96 People v. Hering, S070514. (G019754.) Unpublished opinion. Petition for review after the Court of Appeal reversed judgments of conviction of criminal offenses. This case concerns whether the crimes of offering a rebate or commission for referral of patients require a specific intent or are general intent crimes. (See Bus. & Prof. Code, §650; Ins. Code, §750.)

#98-97 Hodges v. Superior Court, S070935. (H018434.) No opinion. Petition for review after the Court of Appeal denied a petition for writ of mandate. This case concerns whether Civil Code section 3333.4 bars non-economic and punitive damages in a product liability action brought against an automobile manufacturer by an uninsured motorist.

(over)

#98-98 People v. Kelii, S070960. (B112648; 63 Cal.App.4th 854.)  
Petitions for review after the Court of Appeal remanded for re-sentencing but otherwise affirmed a judgment of conviction of criminal offenses. This case includes the following issue: Is the question whether a prior conviction constitutes a “serious felony” for sentencing purposes a question of fact to be determined by a jury or a question of law to be determined by the court?

#98-99 People v. Lee, S071007. (H017172; 63 Cal.App.4th 1014.)  
Petition for review after the Court of Appeal affirmed the dismissal of a criminal proceeding. This case presents an issue, concerning the constitutionality of the legislative revival of an expired statute of limitations, which is related to the issue before the court in Davis on Habeas Corpus, S062716 (#98-29), and People v. Frazer, S067443 (#98-30).

#98-100 People v. Palumbo, S070875. (D026419; 63 Cal.App.4th 717.)  
Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents an issue, concerning the effect of a jury’s failure to articulate a finding of degree as to a crime tried solely on theories making it first degree as a matter of law, which is related to an issue before the court in People v. Mendoza, S067104. (See #98-38.)

#98-101 People v. Thrash, S071060. (G020345.) Unpublished opinion.  
Petition for review after the Court of Appeal reversed a judgment of conviction. This case presents an issue, concerning a defendant’s entitlement to instructions on related but non-included crimes, which is related to an issue before the court in People v. Birks, S057191. (See #97-3.)

#98-102 Snukal v. Flightways Manufacturing, Inc., S067271. (B113630; 64 Cal.App.4th 816.) Petition for review after the Court of Appeal reversed a judgment of the appellate department in a civil case. This case presents issues concerning whether Civil Code section 313 requires that two officers of a

corporation sign a contract upon its behalf before its validity is presumed and whether, after transferring an appeal from the appellate department, a court of appeal may decide less than all the issues and remand to the appellate department to decide the others.

## **STATUS**

People v. Coffman & Marlow, S011960. Counsel for defendant Coffman in this pending automatic appeal were ordered to show cause why they should not be held in contempt for failure to file an opening brief.

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